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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,039	05/01/2001	Dhadesugor R. Vaman	7703/29	5212
22504	7590	11/30/2006	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688				SWEARINGEN, JEFFREY R
ART UNIT		PAPER NUMBER		
		2145		

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,039	VAMAN ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 and 13-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 and 13-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 and 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasaki (US 5,999,532) in view of Kato (US 6,055,239).

4. In regard to claim 1, Terasaki in view of Kato disclosed:

formulating a query message at a client machine, said query message containing a source IP address and a QoS profile requirement of a user application and data requesting information indicating the availability of PVC and SVC connections at the server;
sending the query message to a server machine;
decoding the query message at the server machine;
in response to the decoded query message, determining availability of PVC connections and SVC connections at the server;

formulating a response message at the server machine, said response message containing server information and the availability of the PVC connections and the SVC connections the response message including a virtual path identification (VPI) or a virtual channel identifier (VCI) if a PVC connection is available at the server;

sending the response message to the client machine;

decoding the response message at the client machine; and

connecting the client machine to the server machine using either the PVC connection or the SVC connection based upon the response message.

5. Terasaki disclosed the establishment of PVC and SVC connections in an ATM network. The ATM signaling process provided a VPI and VCI to establish a PVC connection, and also established an SVC connection. The SETUP message was the query message and the CONNECT message was the response message. A connection was established upon the receipt of the CONNECT message at the terminal which sent the SETUP message. See Terasaki, column 7, line 60 - column 8, line 12. Terasaki failed to show the requesting of availability of both PVC and SVC connections at the server.

6. However, Kato in an analogous field of art disclosed a separate method of establishing PVC and SVC connections and querying for the availability of said connections. Kato analyzed commands to establish a connection and announced the result of the analysis to the connection control unit. See Kato, column 6, lines 30-46, line 53 - column 7, line 21.

7. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Terasaki and Kato, since both teach standard establishment techniques for PVC and SVC connections in an ATM network, which have been claimed by Applicant. Terasaki and Kato teach the same connection establishment techniques, using different wordings. The combination of Terasaki and Kato would be obvious to one of ordinary skill in the art to allow an artisan to have a different understanding of connection techniques if one did not convey it well enough to the artisan.

8. In regard to claim 2, Terasaki further disclosed:

connecting the client machine to the server machine using the PVC connection when the response message indicates that the PVC connection is available. (column 8, lines 30-54)

9. In regard to claim 3, Terasaki further disclosed:

connecting the client machine to the server machine using the SVC connection when the response message indicates that the SVC connection is available. (column 8, lines 25-29)

10. In regard to claim 4, Terasaki further disclosed:

receiving additional response messages from the server; (column 8, lines 50-54)

extracting server information stored in the additional response messages; (column 8, lines 50-54)

and

storing the server information in a connection database at the client machine. (column 8, lines 50-54. The connection database is the connection parameter data inherently stored in the client machine to maintain the connection.)

11. In regard to claim 5, Terasaki further disclosed:

repeating the steps of claim 4 until a server having the QoS profile has been identified. (column 7, line 65 – column 8, line 12)

12. In regard to claim 6, Terasaki further disclosed:

connecting the client machine to the server having the desired QoS profile. (column 8, lines 30-54)

13. Claim 10 is substantially the same as claim 1.

14. In regard to claim 11, *the first QoS selector is configured to store an IP address of the client machine in the connection request* is inherent to Terasaki.

15. In regard to claim 13, Terasaki further disclosed:

the second QoS selector is configured to store an ATM address of the server machine when an SVC connection exists at the server machine. (Signaling of the SVC connection setup inherently required the transmission of the ATM address for the SVC connection.)

16. In regard to claim 14, Terasaki further disclosed:

the connection means establishes a PVC connection between the client machine and the server machine when the VPI/VCI connection pair values are detected in the connection response. (column 8, lines 30-49. The presence of the VPI/VCI connection pair in a connection response would inherently trigger the machine to establish a PVC connection instead of a SVC connection.)

17. In regard to claim 15, Terasaki further disclosed:

the connection means establishes an SVC connection between the client machine and the server machine when the ATM address is detected in the connection response. (column 8, lines 25-29. The

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presence of the ATM address in the connection response would inherently trigger the machine to establish a SVC connection instead of a PVC connection.)

18. In regard to claim 16, Terasaki further disclosed:

the storage means extracts ATM connection information, server mapping information, server QoS information, and server address information from the connection response. (column 8, lines 25-29. The information provided were necessary for establishment of an ATM PVC or SVC based upon the ATM signaling used in Terasaki.)

19. In regard to claim 17, Terasaki further disclosed:

the storage means stores the ATM connection information, server mapping information, server QoS information, and server address information in a connection database. (column 8, lines 50-54. The *connection database* is the connection parameter data inherently stored in the client machine to maintain the connection.)

20. Claim 18 is substantially the same as claim 1.

21. In regard to claim 19, Terasaki further disclosed:

the service indicator data indicates the availability of the level of service at the respective server. (column 8, lines 25-29. This is part of the ATM signaling used to establish the connection.)

22. In regard to claim 20, Terasaki further disclosed:

the service indicator data indicates the availability of PVC connections and SVC connections at the respective server. (column 8, lines 25-54)

23. In regard to claim 21, Terasaki further disclosed:

the service indicator data indicates the Quality of Service availability at the respective server. (column 8, lines 25-29. This is part of the ATM signaling used to establish the connection.)

24. In regard to claim 22, Terasaki further disclosed:

selecting a server for communication with the client application based at least in part on the service indicator data. (column 8, lines 50-65)

25. Claim 23 is substantially the same as claim 1.

26. Claim 24 is substantially the same as claim 11.

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27. Claim 25 is substantially the same as claim 20.
28. Claim 26 is substantially the same as claim 21.
29. Claim 27 is substantially the same as claim 2.
30. Claim 28 is substantially the same as claim 3.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robrock, II US 5,539,884

Nagami et al. US 6,598,080 B1

Arndt et al. US 6,707,820 B1

Hara, Takahiro et al. "Location Management Methods of Migratory Data Resources in ATM Networks." Proceedings of the 1997 ACM Symposium on Applied Computing. San Jose, CA.

April 1997. ACM Press. pp. 123-30.

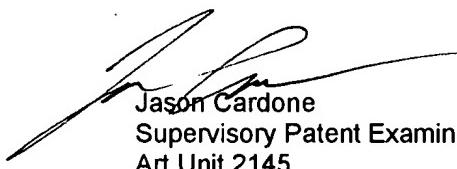
Salamon, Wayne J. "Configuring ATM Networks." Linux Journal. Volume 1999, Issue 58es. February 1999. Article No. 6.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone
Supervisory Patent Examiner
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